

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

RICHARD H. CHILIBECK, an individual, and  
MAXIMUM SEPARATIONS SYSTEMS,  
INC., a Canadian corporation,

Plaintiff,

v.

SOLMETEX, INC., a Delaware corporation,

Defendant.

Case No. C04-0324FDB

ORDER DENYING  
RECONSIDERATION

Plaintiff moves for reconsideration reiterating its contentions that it has sufficient contacts with the State of Washington to foreclose transfer of this cause of action.

There is pending in Massachusetts the first-filed lawsuit involving the patent at issue: *SolmeteX, Inc. v. Maximum Separation Systems, Inc.*, Cause No. 04-CV-40024 (claiming Maximum Separation's patent is void). Maximum Separation's lawsuit in this court alleges infringement by SolmeteX of the patent. The Court is not convinced that transfer was inappropriate. Accordingly

IT IS ORDERED: Plaintiff's Motion for Reconsideration (Doc. # 16) is DENIED.

DATED this 30<sup>th</sup> day of April, 2004.

S/ Franklin D. Burgess

FRANKLIN D. BURGESS

UNITED STATES DISTRICT JUDGE